

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:07-CV-129-D(3)

CLIFTON L. OUTLAW,  
Plaintiff,  
v.  
MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.

**ORDER**


On May 7, 2008, Magistrate Judge Webb issued a Memorandum and Recommendation (“M&R”). In that M&R, Judge Webb recommended that plaintiff’s motion for judgment on the pleadings be denied in part and granted in part, that defendant’s motion for judgment on the pleadings be denied in part and granted in part, and that the action be remanded to the Commissioner. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quotation omitted, emphasis removed, and alteration in original). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the record and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Plaintiff’s motion for

judgment on the pleadings [D.E. 17] is DENIED IN PART AND GRANTED IN PART, defendant's motion for judgment on the pleadings [D.E. 19] is DENIED IN PART AND GRANTED IN PART, and the action is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 1 day of July 2008.

  
JAMES C. DEVER III  
United States District Judge